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ABSTRACT

This survey gathered data from 36 state directors of special education as well as the Bureau of Indian Affairs and American-controlled principalities regarding their area's regulations (or lack thereof) for reduction of class sizes in regular education classes when disabled students are mainstreamed into those classes. Only Massachusetts and Hawaii were found to have such regulations, and their programs are described. Five of the others allowed such regulations to be assigned on a local level, while in other areas such matters were managed through provisions of teacher contracts. Details on all states' provisions are given. (Author/PB)

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CLASS SIZE REDUCTION POLICIES

Survey Results

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Washington, D.C.

EC 230896

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CLASS SIZE REDUCTION POLICIES

National Association of State Directors of Special Education, Inc.
Washington, D.C.

This publication is a supplement produced by the National Association of State Directors of Special Education, Inc. and compiled by Ms.Shirley E. Butler, Program Manager, Great Lakes Area Regional Resource Center, The Ohio State University.

CLASS SIZE REDUCTION POLICIES

This survey was sent to fifty-seven (57) state directors of special education including the American Samoa, Puerto Rico, Virgin Islands, the Mariana Islands, Guam, and the Bureau of Indian Affairs. A total of thirty-six (36) surveys were returned. The state directors were asked "Does your State have guidelines/ regulations/standards which permit or require local school districts to reduce class size in regular education classes (including regular vocational education classes) when students with handicaps are assigned to those regular education classes? If they responded yes, they were asked to send a copy of their guidelines/regulations or standards to NASDE.

Based on survey data, a total of thirty-four (34) states do not have guidelines/regulations/standards that permit or require reductions in class size in regular education or vocational education when special education students are added. Two states, Massachusetts and Hawaii, do have requirements for class size in regular education.

Of the thirty-four states responding "no" to the survey, five (5) reductions Florida, Bureau of Indian Affairs, New Jersey, Georgia, and Kansas) permit local jurisdiction to set their own standards for class size in regular education when students with handicaps are assigned to those regular education classes. In Florida, there are no state guidelines, regulations or standards relative to maximum class size when handicapped students are mainstreamed into regular education classes. This is considered a collective bargaining issue and some school districts make such provisions in their teacher contracts (see Appendix). Because of the many jurisdictions and accreditating standards of the twenty-two states in which the Bureau of Indian Affairs operates programs, the Bureau determined that each program meet the educational program standards of each state. Therefore, the Bureau of Indian Affairs has not established policies regarding class size reduction in regular education when students with handicaps are assigned to those regular education classes. New Jersey's Laws and Rules do not prohibit local education agencies (LEAs) from reducing regular education class size. In Georgia, "class sizes were made lower prior to quality basic education (QBE)". In 1987, the Georgia Board of Education established maximum class sizes for all state-funded programs including K-12, labs and remedial education. The Board of Education believes that appropriate class size contributes to a quality basic education (see Appendix).The Kansas State Board of Education stated that they have nothing to do with determining class size in regular education. This matter is left up to local jurisdiction.

The two states that responded yes to the survey, Massachusetts and Hawaii, have comprehensive program guidelines for placement of students with handicaps in regular education classes.

The Hawaii Department of Education provides special education staffing weights by the extent of the special needs of the student and educational arrangements established to meet the goals and objectives outlined in the Individualized education program (IEP) for each special education student at the IEP conference (see Appendix).

In Massachusetts, a child placed in any program prototype is eligible for supportive and remedial services that are provided as part of the regular education program to which the child may be assigned. Regular education program modifications for class size are based on the percentage of time the student with handicaps is removed from a regular education class. For example, if a child is removed for no more than 25% of the class time of each school day, the staff to student ratios is eight children for each teacher or twelve children for each teacher and one aide.(see Appendix).

In conclusion, to date, thirty-four (94%) of the departments of special education responding to this survey do not have guidelines/ regulations/standards which permit or require local school districts to reduce class size in regular education classes (including regular vocational education classes) when students with handicaps are assigned to those regular education classes. Five (15%) of the thirty-four respondents do permit local school districts to establish appropriate class sizes for regular education to meet the individual needs of the special education student.

APPENDIX

FLORIDA DEPARTMENT OF EDUCATION
Betty Castor
Commissioner of Education

August 7, 1989

Dr. William Schipper, Executive Director
National Association of State Directors
of Special Education, Incorporation
2021 K. Street N.W., Suite 315
Washington, D.C. 20006-1003

Dear Bill:

Relative to your communication concerning reduction in class size in basic classes when handicapped students are enrolled I am submitting the following:

1. There are no state guidelines, regulations or standards relative to maximum class size when handicapped students are mainstreamed into regular classes. This is considered a collective bargaining issue in Florida and some school districts do make such provisions in their teacher contracts.

2. We do make financial provisions for such arrangements through what is known as Basic Mainstreaming or double basic cost factor. When special services, aids or equipment are needed for a student to be mainstreamed the student generates double the amount of money. Attached is a "Hot off the press" memo which describes the provisions as it currently exists.

3. The legislature which ended in May made some revisions in this law which will take effect in the 1990-91 school. The provision will be as follows:

    1. Vocational Education classes will be eligible.
    2. Both full-time and part-time exceptional students will be eligible.
    3. Physically Handicapped students may spend full-time in the basic program and receive double basic funding.

    The revised statute is attached to the memo.

Sincerely,

Landis M. Stetler,
Program Specialist, Information Systems
Bureau of Education for Exceptional Students

LMS:elk

cc: Lynn Groves

Tallahassee, Florida 32399

Affirmative action/equal opportunity employer

FLORIDA DEPARTMENT OF EDUCATION
Betty Castor
Commissioner of Education

August 2, 1989

CONTACT PERSON

NAME: Landis M. Stetler
PHONE: (904)488-3205
SUNCOM: 278-3205
SPECIALNET: BEESPA
DPS: 90-039

MEMORANDUM

TO: District School Superintendents

FROM: Donald S. Van Fleet, Director
Division of Public Schools

SUBJECT: Using Basic Mainstream Program (Double Basic Cost Factor)

The Basic Mainstream Program has been in effect since 1977. There is still a very limited use of this resource as a means to assist exceptional students in regular classes. The 1989 Legislature made some revisions in this program that will take effect in the 1990-91 school year. This Technical Assistance Note has been developed cooperatively by the Bureau of Education for Exceptional Students and the Bureau of Business Services to provide a succinct review of the procedures as they presently operate. It is hoped this will provide answers to questions received and stimulate interest in using this funding mechanism to provide for handicapped students in a least restrictive environment.

Information concerning revisions to take effect in July 1990, will be forthcoming.

DVF:lsk

cc: District ESE Administrators
Finance Officers

Tallahassee, Florida 32399

Affirmative action/equal opportunity employer

	TECHNICAL ASSISTANCE NOTES	No. FY 1990-5
State of Florida Department of Education Tallahassee, Florida Betty Castor, Commissioner An equal opportunity employer	Division of Public Schools	Contact: Landis M. Stetler
	Bureau of Education for Exceptional Students	904/488-3205 SC: 278-3205

USING THE BASIC MAINSTREAM K-3, 4-8, OR 9-12 PROGRAMS DOUBLE BASIC COST FACTOR

The Law

Section 236.081 (1)(d)4, Florida Statutes, states:

> When a student has been properly classified as an exceptional student pursuant to s. 230.23(4)(m) and is eligible for a full-time special program for exceptional students identified in subparagraph (1)(c)2. and, as a condition of such student's individualized educational plan, is assigned to a basic program on a part-time basis with required special services, aids, or equipment, the basic program cost factor for such student shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program.

Effective July 1, 1990, several revisions will take place. However, until that date, we will follow present law and the provisions outlined below.

Student Eligibility

To use the Basic Mainstream Programs and receive the double basic cost factor, a student must be:

1. Determined eligible for a special program for exceptional students and have a current IEP,
2. Reported for funding using one of the full-time Special Exceptional Programs for at least a portion of the time spent in a Special Program (an additional portion of time in a Special Program may be reported using a part-time cost factor, as long as it is not in the same program area),
3. Receiving the special services, aids, or equipment while in the Basic Mainstream Class as specified on the IEP, and
4. Assigned to the Basic Mainstream Program part-time (part-time in a basic program is defined as fewer than 25 hours per week).

Funding In the Florida Educational Finance Program (FEFP)

During the time the student is in membership in the applicable K-3, 4-8, or 9-12 Basic Mainstream Program under the above conditions, he generates double the basic cost factor. There is no cap on basic programs including the Basic Mainstream Programs.

There is no requirement that a student be in membership any specific number of hours in the full-time Exceptional Programs to be eligible for a Basic Mainstream Program and therefore earn double basic funding. The student must spend some time in a full-time Special Exceptional Program to meet the requirement of part-time in the Basic Program.

An exceptional student could have any combination of the following available to him for FEFP funding; however, to generate double basic, he would also need to meet the four conditions of eligibility above.

1. Enrollment in any of the exceptional student programs as long as one is a full-time Special Exceptional Program, and
2. Enrollment in the Basic Mainstream Program receiving the double basic cost factor, or
3. Enrollment in the Basic Program receiving appropriate K-3, 4-8, or 9-12 basic cost factor.

Separate cost reporting is not kept for the double basic program. Funds used in the Basic Mainstream Program are included in the basic cost reporting system. Basic Mainstream does not apply to the vocational program.

enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs, and special adult general education programs and to report, at least 60 days prior to each regular session of the Legislature, a 3-year projected enrollment of full-time equivalent students in these programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00.

3. With respect to special programs for the visually handicapped part-time, upon request of a school board in any district or multidistrict area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.

4. When A student has been properly classified as an exceptional student pursuant to s. 230.23(4)(m) and is eligible for a full-time special program for exceptional students identified in subparagraph (1)(c)3., excluding gifted part-time, may and, as a condition of such student's individualized educational plan, be is assigned to a basic or vocational mainstream program on a part-time basis. Physically impaired students may be assigned to a basic or vocational mainstream program on a part-time or full-time

basis. with-required-special-services,-aids,-or-equipment. The basic program cost factor or aggregated vocational program cost factor for such mainstreamed students student shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program, provided such students are furnished with required special services, aids, or equipment in accordance with their individualized educational plan. The Department of Education may promulgate rules needed to implement this subparagraph.

Section 36. The amendments to s. 236.081(1)(d)4. in section 17 of this act shall be implemented in the 1990-1991 school year and each year thereafter to the extent specifically funded in the General Appropriations Act.

Section 37. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Msg: HGIJ-4005-3176
·om: PORTLAND.BIA
o: NASDSE
C: PORTLAND.BIA
ıbj: Survey of Class Size Reduction Policies

hank you for your letter requesting information of the Bureau of Indian Af
:fair's Class Size Reduction Policies. As you are aware, the BIA operates
:ograms in twenty-two states on many Indian Reservations for handicapped
ndian Children from Birth through Twenty-one years of age. Because of the
ıny jurisdictions and accrediating standards of each state, the BIA determined
ıat
nat each program meet the educational program standards of each state.
herefore, if a state has a Class Size Reduction Policy, the BIA funded or
perated Programs must meet those requirements. For this reason, the BIA
as not established policies regarding this matter. Should you have any
uestions, please contact Mr. Keener Cobb III, Chief Branch of Exceptional
·ıcation at (202) 343-6675, or by SpecialNet. Our present user name is
TLAND.BIA.

Posted: Tue, Aug 1, 1989 9:20 AM EDT Msg: CGIJ-4006-1783
From: GA.SE
To: NASDSE
CC: GA.SE
Subj: SURVEY - CLASS SIZE REDUCTION POLICIES

TO: Mr. William Schipper, Executive Director
NASDSE

FROM: Joan A. Jordan, Director
Division for Exceptional Students
Georgia Depoartment of Education

This is in response to your request of July 25, 1989 regarding class size information.

1. Q - Does your state have guidelines/regulations/standards which permit or require local school districts to reduce class size in regular education classes when students with handicaps are assigned to those regular education classes?

A - No. However, class sizes are made lower than prior to QBE.

2. I am sending our State Board Policy regarding class size under separate cover.

CLASS SIZE Code: IEC

MAXIMUM CLASS SIZE

PURPOSE:

The Georgia Board of Education established a maximum class size policy and there is a need for regulations and procedures for the computation of class size and system average class size.

GEORGIA CODE REFERENCES:

20-2-182(g).

STATE BOARD POLICY:

IEC - effective July 1, 1986

REQUIREMENTS:

State board policy IEC was adopted by the state board of education on March 13, 1986. The following administrative procedure and guidelines shall be used when applying the maximum class size policy.

1. The policy recognizes four funding areas: kindergarten, grades 1-3, grades 4-8 and grades 9-12. The individual class size funding base is the number of students needed to earn sufficient state funds to pay for that class in a base school in a base system.

2. The maximum individual class size is figured by dividing the number of pupils in a given class by the number of teachers and aides that are assigned to that class. One aide is equivalent to one-third full time teacher (.33).

3. In computing the system average maximum class size, classes that are exceptions to the individual class size, and any variance that has been approved by the State Board of Education is not counted in computing the system average maximum class size.

4. Exceptions that have been approved by the state board of education are:

Individual Course	Maximum Class Size
Typing/keyboarding	35
Instrumental Music	100
Choral Music	80
Physical Education	40
Co op Supervision	56

5. Classes that exceed the maximum shall not be counted for FTE purposes.

6. Classes that receive additional funding: labs, remedial, etc. that exceed maximum class size will count only as a regular class, provided they do not exceed the maximum individual class size designated for the regular program.

7. Variances on increase in maximum individual class size will be considered.

8. Facilities must meet the needs for all classes.

9. The system maximum class size average is computed by adding the number of classes in a funding area (eg. 4-8) and dividing into the total number of pupils assigned to those classes.

10. When an individual class or the system average exceeds the maximum, the system shall have ten workdays to comply with maximum class size requirements. A system that does not comply will be subject to loss of funding for the class or program that is out of compliance. Full time equivalents (FTEs) will be subtracted from the previous FTE count. When FTEs are subtracted, the school/system will be considered nonstandard.

CLASS SIZE Code: IEC

MAXIMUM CLASS SIZE FOR K-12, LABS AND REMEDIAL EDUCATION
(Adopted: March 1986 Effective: July 1, 1986)

The Georgia Board of Education believes that appropriate class size contributes to a quality basic education and hereby establishes maximum class sizes for all state-funded programs.

State funds shall be allocated for students enrolled in state-approved courses that do not exceed the maximum class size established by the state board. However, the State Superintendent of Schools shall establish a procedure for local systems to follow in seeking funding of courses that exceed maximum class size. All exceptions shall be approved by the State Superintendent of Schools.

	INDIVIDUAL CLASS SIZE FUNDING BASE	SYSTEM AVERAGE** MAXIMUM CLASS SIZE	MAXIMUM INDIVIDUAL CLASS SIZE
Kindergarten			
with aide	22	24.2	28
no aide	17*	18.2	21
1-3			
with aide	26	28.6	33
no aide	20*	21.5	25
4-8			
no aide	26	28.6	33
9-12			
no aide	28	30.8	35
Labs			
non-vocational			
no aide	22	24.2	28
vocational			
no aide	22	24.2	28***
Remedial			
with aide	20	22	24
no aide	15*	16.5	18

*assumes one aide is equivalent to one-third teacher and fractions are rounded to a whole number.

**does not apply if only one class exists in the school system.

***In heavy-equipped laboratories, systems are encouraged to consider the maximum class size because of student safety.

EXCEPTIONS TO THE ABOVE MAXIMUM INDIVIDUAL CLASS SIZE ARE AS FOLLOWS:

COURSE	MAXIMUM INDIVIDUAL CLASS SIZE
Typing/Keyboarding	35
Instrumental Music	100
Choral Music	80
Physical Education	40
Co op Supervision	56

Note: Classes that exceed the maximum shall not be counted for FTE purposes. Classes that receive additional funding; labs, remedial, etc. that exceed maximum class size will count only as a regular class, provided they do not exceed the maximum individual class size. Variances on increase in maximum individual class size will be considered. Facilities must meet the needs for all classes. Variances shall not be approved for increases in the system averages.

O.C.G.A.§20-2-182(h).

MAXIMUM CLASS SIZE FOR SPECIAL EDUCATION AND GIFTED PROGRAMS

(Adopted: April 1987 Effective: 1987-1988 School Year)

S/L: Speech-Language Disorders
LD: Specific Learning Disabilities
MIMH: Mildly Mentally Handicapped
SMH: Severely Mentally Handicapped
MOMH: Moderately Mentally Handicapped
OH: Orthopedically Handicapped
PMH: Profoundly Mentally Handicapped
IH: Hearing Impaired
BD: Behavior Disorders
VI: Visually Impaired
DB: Deaf Blind
R: Resource
SC: Self Contained

RECOMMENDED CLASS SIZES AND CASE LOADS PER EXCEPTIONALITY

GROUP/ PROGRAM	R/SC	FUNDING BASE W/O AIDES GROUP	MAXIMUM CLASS SIZE SYSTEM AVERAGE AIDES W/O	MAXIMUM CLASS SIZE SYSTEM AVERAGE AIDES WITH	MAXIMUM CLASS SIZE INDIVIDUAL CLASS AIDES W/O	MAXIMUM CLASS SIZE INDIVIDUAL CLASS AIDES WITH	MAXIMUM CASE LOAD
Group I		8.0					
S/L	SC		9.9	13.2	11	15	15
LD	SC		10.6	14.1	12	16	16
Group II		6.5					
MIMH	SC		8.4	11.3	10	13	14
MIMH	R		8.6	11.4	10	13	26
Group III		5.0					
SMH	SC		NA	7.0	NA	7	7
IH	SC		5.3	7.0	6	8	8
S/L	R		5.8	NA	7	NA	29*
BD	R		6.5	8.6	7	10	26
LD	R		6.9	9.1	8	10	26
BD	SC		7.0	9.3	8	11	12
MOMH	SC		NA	9.3	NA	11	11
OH/OHI	SC		NA	9.3	NA	11	11
Group IV		3.0					
IH	R		2.8	3.7	3	4	11
VI	R		2.8	3.7	3	4	13
OH/OHI	R		4.0	4.2	4	5	15
VI(DB)	SC		NA	4.9	NA	6	7
PMH	SC		NA	6.0	NA	6	6
Gifted**							
Elem.	R	12.0	14.5	NA	17	NA	66***
H.S.	R	12.0	18.5	NA	21	NA	84***

*Per Day (A total maximum caseload of 55 students per week)

Note: Each aide is equivalent to 1/3 teacher and effects individual class size and system average proportionately. Various teacher/aide models shall be averaged independently.

Note: If students from different programs are within the same segment, the class size shall be determined by the program with the smallest class size. The case load shall be determined by averaging the respective case loads.

** Maximum class size does not apply to the facilitator model.

***Maximum case load does not apply to the facilitator model.

O.C.G.A.§20-2-182(h).

Implementation Procedures for the Allocation of State-Funded Special Education Instructional Positions

...of Instructional Services/Special Instructional Programs & Services Branch • Department of Education • State of Hawaii
RS 88 3288 • February 1988

PART I

STAFFING PROCEDURES

A. Establishment or Continuation of Special Education Instructional Positions

Upon request by schools for establishment or continuation of special education instructional positions and for maintaining compliance with federal and state rules and regulations, districts shall ensure that the following are observed to the greatest extent possible:

1. Each student found eligible for special education and related services has an Individualized Education Program (IEP) in accordance with the provisions of the federal Education for All Handicapped Children Act (EHA: Public Law 94-142, as amended by Public Law 99-457) and Title 8, Chapter 36 of the State of Hawaii's Administrative Rules of the Department of Education.

2. A certificated special education teacher is available to implement IEPs.

3. Appropriate related services are available to meet the requirements of IEPs.

4. Appropriate classroom facilities are available in accordance with departmental policies.

5. Adequate supplies and equipment are available to implement IEPs.

6. Appropriate transportation services are available in accordance with departmental rules.

Exceptions to the above, if not contrary to law, rules or collective bargaining agreements, may be approved by the Superintendent.

B. Educational Evaluation and Recommendations

Each student to be served by special education instructional personnel shall have been found eligible for special education as the result of a comprehensive educational evaluation. The educational evaluation report shall state the student's eligibility status and include specific recommendations for educational programming. All procedures for the identification, evaluation, programming, and placement of special education students shall be in accordance with the federal Education for All Handicapped Children Act (EHA: Public Law 94-142, as amended by Public Law 99-457) and Title 8, Chapter 36 of the State of Hawaii's Administrative Rules of the Department of Education.

C. Qualifications of Instructional Personnel

1. Special Education Teachers

Persons meeting the Department of Education's certification requirements shall be employed as special education teachers. When a certificated special education teacher is not available, a regular education teacher may be employed on an interim basis until a qualified person is available. Employment of teachers shall be in accordance with union contracts.

2. Educational Assistants

Persons meeting established civil service requirements shall be employed as Educational Assistants.

3. Speech Pathologists

Persons meeting minimum qualifications for employment as speech pathologists may be employed by the department as Speech Pathologists.

D. Educational Arrangements

Appropriate educational arrangements to meet goals and objectives outlined in IEPs shall be selected for each special education student at the IEP conference.

1. Full-Time Self-Contained (FSC)

In the FSC educational arrangement, the special education student receives special education and related services *for the full school day or for all but one period of instruction per day*. The special education teacher plans the IEP with other IEP conference participants, implements most or all of the student's educational program and coordinates the provision of educational and related services. The special education teacher also consults with regular education teacher(s) to plan for success in mainstream courses.

2. Integrated Self-Contained (ISC)

In the ISC educational arrangement, the special education student receives special education and related services *for at least half of each instructional day*. Instruction for the remainder of the day is provided in regular education. The special education teacher plans the IEP with other IEP conference participants, implements the student's special education program, and coordinates the provision of educational and related services. The special education teacher also consults regularly with regular education teacher(s) to ensure success in mainstream courses.

3. **Resource Services (RS)**

In the RS educational arrangement, the special education student receives special education and related services *for at least one period of each instructional day* (on the average, over the course of a week). The special education teacher plans the IEP with other IEP conference participants, implements the special education program, and coordinates the provision of educational and related services. Regular education teacher(s) plan and implement the regular education program in conjunction with the special education teacher to allow a student to be maintained, for the most part, in the mainstream. The special education teacher also provides technical assistance or consultation to regular education teachers to help them meet a student's special needs.

4. **Itinerant Services (IS)**

In the IS educational arrangement, the special education student receives special instructional and related services for at least one period per week from a special education teacher and/or service provider serving one or more schools for scheduled periods of instructional time as a student's special education program, rather than as a related service.

5. **Support Services (SS)**

In the SS educational arrangement, *indirect* instructional services, i.e., student-oriented consultations, are provided by a special education teacher and/or service provider, e.g., speech pathologist. This arrangement constitutes the student's special education program and is not to be confused with student-oriented consultation when it is provided as a related service. These services may be provided to regular education teachers and/or parents regarding the student's special educational needs for one period per week. In these cases, the student is counted for the full staffing weight value given in Table 1. Students receiving *SS* for less than one period per week are counted as a fraction of the designated staffing weight based upon a four-week month. For example, an *SS-mild* student receiving special education consultation twice per month would be assigned a staffing weight of 0.5, or one-half of the staffing weight indicated in Table 1.

Special education consultation may address curriculum adjustment, alternative instructional approaches, technical assistance, supplementary aids, transition programming, or other support services to help regular education teachers accommodate special education students in mainstream courses or to assist parents to help their children meet educational

goals. The IS or SS student is assigned to a regular education teacher who plans and implements the total educational program with technical assistance from the special education teacher or service provider who provides itinerant/support services, plans the IEP with other IEP conference participants, provides consultative services to teachers and parents when included in the IEP, and coordinates the provision of educational and related services. All IS and SS are provided in conjunction with regular education teachers to supplement regular education programs and to maintain special education instruction in least restrictive environments.

E. Rationale for Special Education Staffing Weights

Staffing ratios by handicap category and educational arrangement of classload compositions have been used to equalize the workload of special education teachers. The largest number of students in a classload of the same handicap category and educational arrangement is used to determine teacher classload size.

Since handicap categories were intended only to serve the purposes of eligibility, statistical analysis, and fiscal control, it is more appropriate to use a student's *extent of special needs* for individualized instruction to determine teacher classload, rather than a student's handicap category.

Categorical placement of special education students on the basis of handicap is prohibited by P.L. 94-142 and its implementing regulations. These revisions better conform with regulations requiring the placement of special education students in schools closest to their homes where their needs for special education can be met.

Special education students shall be placed, irrespective of handicap categories and educational arrangements, in the same classrooms in schools "as close as possible to [their] homes . . . Unless a handicapped child's IEP requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped" (Reg. 300.552, EHA-B). Consequently, a special education teacher may be assigned to provide individualized instruction to special education students with different educational arrangements, and a range of special needs that can be met in that class.

The Hawaii Department of Education is initiating a new procedure to guard against the categorical placement of special education students. Instead of determining staffing ratios on the basis of the students' handicapping conditions, the basis used is the "extent of special needs" for specialized instruction. This direction is translated into a system of recognizing differentiated student needs by using relative weights to identify the number of special education teachers and EAs needed in each school.

EXTENT OF SPECIAL NEEDS	EDUCATIONAL ARRANGEMENTS FSC	ISC	RS	IS/SS
MILD				
01,05,12	2.6 +EA	2.0	1.4	1.0
MODERATE				
02,07,09,11	3.3 +EA	2.6 +EA	2.0	1.4
SEVERE				
03,04,06,08,10 13,14,15,16,17	5.2 +EA	3.3 +EA	2.6 +EA	2.0

Table 1. Special Education Student Staffing Weights by Extent of Special Needs and Educational Arrangement

KEY:

FSC = Full-time Self-Contained arrangement in which student receives special education and related services for the full school day or for all but one period of instruction per day

ISC = Integrated Self-Contained arrangement in which student receives special education and related services for at least half of each school day

RS = Resource Services arrangement in which student receives special education and related services for at least one period of each school day

IS = Itinerant Services in which student receives special education and related services for at least one period per week

SS = Support Services in which student receives indirect special education (consultation) and related services for at least one period per week

EA = One full-time Educational Assistant should be provided when indicated for a majority of students in a classload

01. Mildly mentally retarded
02. Moderately mentally retarded
03. Severely mentally retarded
04. Profoundly mentally retarded
05. Specific learning disabled
06. Emotionally handicapped
07. Partially sighted
08. Blind
09. Hard of hearing
10. Deaf
11. Orthopedically handicapped
12. Speech impaired
13. Deaf-blind
14. Severely multiply handicapped
15. Learning impaired
16. Health impaired
17. Health impaired due to autism

In order to account for a wider range of special needs in special education classloads and in consideration of the need to increase time for individualized instruction, a system of "weighting" special education students has been devised. The staffing weights outlined in Table 1, on page 5 translate to ratios of students to instructional personnel which are significantly reduced from the 1975 ratios. Each special education student is assigned a staffing weight according to the student's ***extent of special needs*** and ***educational arrangement***. These staffing weights are predicated upon the regular education staffing ratio of 26-to-1 and provide the basis for the allocation of special education instructional personnel.

The ***extent of special needs*** consists of three categories (mild, moderate, or severe) which correspond to the range of students' requirements for individualized instruction. Each student found eligible for special education and related services is included on the continuum under **mild, moderate,** or **severe** on Table 1.

The ***educational arrangement*** specifies the appropriate range of time in special education for a student, based upon the needs articulated in the Individualized Education Program (IEP). The decision as to which educational arrangement is appropriate is determined by IEP conference participants at IEP conferences.

The staffing weights were derived by dividing the regular education staffing ratio of 26 (to one) by the staffing ratios appropriate to meet the needs of special education students in various settings. For example, it was determined through survey of special education teachers that students in full-time, self-contained arrangements with moderate special needs (FSC-moderate) require a staffing ratio of approximately eight students to one teacher. Since 26/8 = 3.3, each of those students receives the weight of 3.3. Survey data also revealed that when a majority of students in a class are "FSC-moderate", that class also requires a full-time educational assistant (EA).

Although this document prescribes staffing ratios found to be appropriate for the majority of special education students, those parents and school personnel familiar with the individual student are most qualified to judge where that student's needs can be appropriately met. ***Therefore, the determination of the extent of special needs, the educational arrangement, and placement of a special education student is established by the consensus of IEP conference participants.***

F. The Staffing of Special Education Classloads

The following guidelines are to be adhered to in applying the staffing weights for the purpose of allocating special education instructional positions to the extent that funds

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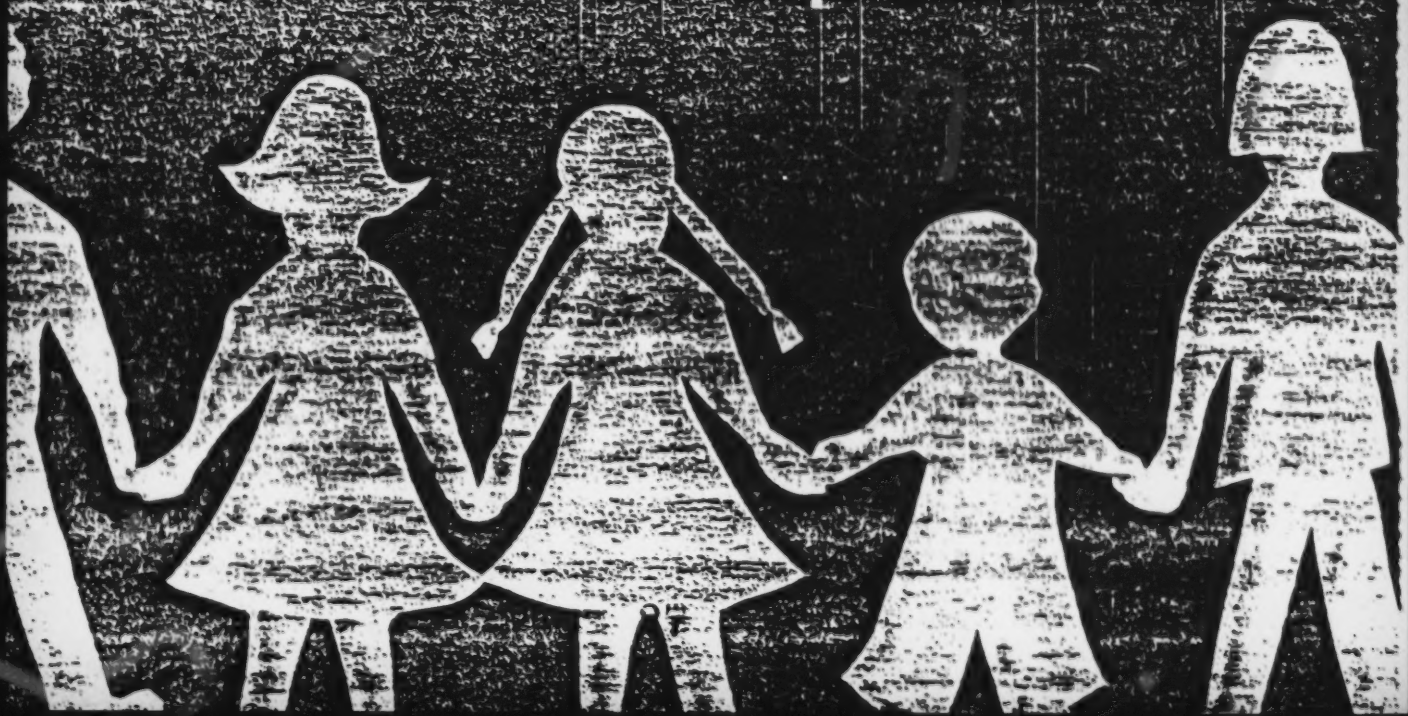
REGULATIONS

Massachusetts
Department of Education
September 1986



500.0 Special education which each school committee is required to provide.

Each school committee shall provide or arrange for the provision of each of the elements of the IEP's of children in need of special education, in accordance with the applicable provisions of these regulations, and shall take all steps necessary to insure compliance with all elements of the IEP's of children in need of special education. Each school committee shall assure the maximum possible development of children with special needs provided that such children, to the maximum extent appropriate, are educated with children without special needs. Children with special needs shall be placed outside the regular educational environment only when the nature or severity of their special need is such that education in a less restrictive educational prototype with the use of supplementary aids and services cannot be achieved satisfactorily.

501.0 Annual program plan for special education.

Each school committee shall submit, for approval, to the appropriate Regional Branch Office of the Division, on a date and in a form to be determined by the Division, an annual program plan describing the specific manner in which the school committee will provide special education during the subsequent school year. In developing this plan the local education agency is to make provisions for participation from the District's Parent Advisory Council as provided in ¶ 612.0. The Division acting through its Regional Branch Office shall communicate to the school committee its approval or rejection of the plan. The school committee shall implement the plan after it has been approved. If the plan fails to comply with the requirements of these regulations, the Division through its Regional Branch Office shall give the school committee timely notice and opportunity for a hearing. If, after such notice and opportunity for a hearing, the Division finds that the plan does not comply with said requirements, the Division may make no further payments to the school committee until satisfied that there is compliance with the regulations, and shall take any other action it deems reasonable under the circumstances.

In the annual program plan the school committee shall state:

501.1 The number of children in need of special education served through each of the program prototypes described in ¶ 502.0.

501.2 The special education programs and services available which are the responsibility of the school committee, those that will be delivered through a collaborative or other agreement under ¶¶ 201.1b and 201.3, and those that will be delivered in accordance with ¶ 502.4 (1).

501.3 A current list of special education personnel and their area(s) of certification or approval, and the role in which they are employed; and a description of non-educational personnel pursuant to ¶ 502.12 (c) (ii).

501.4 The specific methods the school committee will use to evaluate special education programs during the next school year, in accordance with ¶ 506.1.

501.5 The specific manner in which the school committee will provide transportation for children in need of special education.

501.6 The specific manner in which the school committee will conduct child search activities in accordance with ¶ 303.0.

501.7 The specific manner in which the school committee will conduct early childhood and kindergarten screening in accordance with ¶ 306.0.

501.8 The specific manner in which the school committee will conduct evaluations in accordance with ¶ 309.0.

501.9 The specific facilities in which the school committee will be providing special education, in accordance with ¶ 508.0.

501.10 The specific manner in which the school committee shall make this annual program plan and related documents available to parents and the general public.

501.11 A comprehensive plan to provide training to personnel, addressing the following:

501.11 (a) Procedures for assessing personnel and in-service training needs.

501.11 (b) Procedures and activities to be developed in consultation with personnel affected, for training elementary as well as secondary regular classroom teachers, special education personnel, and other school personnel, through methods including but not limited to the general information, training and in-service education to be made available to all school personnel in accordance with this paragraph.

501.11 (c) Workshops, in-service programs or courses, or other professional development activities designed to develop and increase teacher skills and competencies related to these regulations.

501.11 (d) A plan for providing needed training for instructional, related services, and support personnel (including parents and non-professional personnel).

501.11 (e) General information consisting of a comprehensive summary of current special education regulations and applicable school policies.

501.11 (f) The specific manner in which the school committee will implement a training program for operators of vehicles carrying children in need of special education. Such training program shall be consistent with the requirements of ¶ 905.3.

501.11 (g) The specific manner in which the school committee will train all persons collecting or using personally identifiable information, regarding the confidentiality requirements of the Massachusetts Student Records Regulations.

501.11 (h) Procedures for evaluating the effectiveness of in-service training provided by the school committee and the effectiveness of educational practices used within the school district.

501.12 The specific manner in which the school committee plans to address the gaps in available services and facilities which do not allow for a less restrictive prototype, in accordance with ¶ 504.3 (a) including the manner in which they plan to make all school buildings and areas of school buildings accessible to students with limited mobility.

501.13 The specific manner in which the school committee will conform to the confidentiality requirements of the Massachusetts Student Records Regulations, as they apply to children in need of special education.

501.14 The specific manner in which the School Committee shall inquire and have continuous liaison with the Executive Office of Human Services and other appropriate departments pursuant to ¶¶ 304.8 and 338.

501.15 Any other information the Division may require.

502.0 Program prototypes.

This paragraph contains a list and description of the program prototypes. A child placed in any program prototype shall be eligible, on the same basis as other children, for the auxiliary, supportive and remedial services that are provided as part of the regular education program to which the child may be assigned.

502.1 Regular education program with modifications.

Each school committee shall provide a program within this prototype to each child in need of special education for whom an IEP specifies such a program. Programs within this prototype shall have the following characteristics:

502.1 (a) The child shall be assigned to a regular education program. Except to the extent both permitted and required by the provisions of ¶ 502.1 (b), the child shall not leave such regular education program and shall be treated no differently than the other children in such program.

502.1 (b) The special education component of the child's program shall consist of one or more of the following:

502.1 (b) (i) Modification of the child's regular education program as specified by the TEAM. Such modifications shall be made by the regular classroom teacher who normally conducts the child's regular education program. Personnel specified by the Administrator of Special Education shall provide support services, or training where the Administrator of Special Education upon consultation with the regular class teacher has recommended such training in place of such support services, to assist the regular education program teacher in making the specified modifications and in carrying out the requirements of the child's IEP.

502.1 (b) (ii) Any of the services listed in ¶ 503.1 that are specified by the TEAM to be provided directly to the child. Such services shall be provided within the classroom in which the child's regular education program is being conducted.

502.1 (c) The daily duration of the child's program shall be equal to that of the regular school day unless the Administrator of Special Education states that a shorter or longer duration is in the child's best interests. In such case the child's program shall have the duration specified by the Administrator of Special Education.

502.1 (d) For each child placed in this prototype, the school committee shall make available, to implement the child's IEP, the personnel specified by the Administrator of Special Education.

502.1 (e) Each school committee shall provide all aspects of programs within this prototype within public school regular education facilities.

502.2 Regular education program with no more than 25% time out.

All of the provisions of ¶ 502.1 shall apply to programs within this prototype; provided, however, that such programs shall have the following additional characteristics:

502.2 (a) The child shall be removed from the regular education program and classroom to receive any of the services listed in ¶ 503.1 which the TEAM specifies should be provided to the child outside the regular education classroom; provided, however, that the child shall not be removed from the regular education classroom for more than 25% of the class time of each school day.

502.2 (b) When children are removed from a regular class for services pursuant to ¶ 502.2 (a), the number of children in any one instruction group shall not exceed the following limits and shall be less if the TEAM so recommends and the school committee approves such recommendations.

502.2 (b) (i) Eight children for each teacher or other qualified professional.

502.2 (b) (ii) Twelve children for each teacher or other qualified professional where such teacher or professional is assisted by one aide.

502.2 (b) (iii) Sixteen children for each teacher or other qualified professional where such teacher or professional is assisted by two aides.

502.2 (b) (iv) The limits on the number of children in any one instruction group found within ¶ 502.2 (b) (i), (ii) and (iii), may be expanded up to two with approval of the Administrator of Special Education. The number of children in each instructional group shall be compatible with the methods and goals stated in each child's IEP. A written request for

approval of additional students may be made to the Division through its Regional Branch Office, which may approve such request.

502.2 (c) Each school committee shall provide all aspects of programs within this prototype in public school regular education facilities; provided, however, that a child in this prototype may be provided work study placement, occupational opportunities and job site visits outside of a public school.

502.3 Regular education program with no more than 60% time out.

All of the provisions of ¶ 502.2 shall apply to programs within this prototype; provided, however, that the child may be removed from the regular education program and classroom, to receive services as described in ¶ 502.2 (a), for no more than 60% of the class time of each school day.

502.4 Substantially separate program.

Each school committee shall provide a program within this prototype to each child in need of special education for whom the IEP specifies such a program. Programs within this prototype shall have the following characteristics:

502.4 (a) The child shall be assigned to a program or programs made up entirely of children in need of special education.

502.4 (b) In each program the number of children for each teacher shall not exceed eight, and for each teacher with an aide, shall not exceed twelve.

502.4 (c) The ages of the youngest and oldest child in each program shall not differ by more than forty-eight months. A written request for approval of a wider age range may be made to the Division, through its Regional Branch Office, which may approve such request.

502.4 (d) The grouping of children in each program shall be compatible with the methods and goals stated in each child's IEP.

502.4 (e) The child shall leave the program to receive services and to participate in activities specified by the Administrator of Special Education pursuant to ¶ 322.4 (e) and by the TEAM pursuant to ¶ 322.1 (f).